



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANTS: Fraki et al.

SERIAL NO.: 10/033,151

ART UNIT: 3679

FILING DATE: 12/26/2001

EXAMINER: Garcia,
Ernesto

TITLE: METHOD AND SYSTEM FOR ADMINISTERING DIGITAL
COLLECTIBLE CARDS

ATTORNEY

DOCKET NO.: 297-010769-US (PAR)

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
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APPELLANTS' BRIEF

This is an appeal from the final rejection of the claims in the above-identified application. A Notice of Appeal was mailed on 23 August 2005.

I. REAL PARTY IN INTEREST

The real party in interest in this Appeal is:

Nokia Corporation

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences regarding this application.

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III. STATUS OF CLAIMS

Claims 1-26 are pending in the application.

Claims 27-31 have been cancelled.

Claims 1-26 have been finally rejected.

The claims on appeal are 1-26.

IV. STATUS OF AMENDMENTS

There have been no amendments submitted after the present Final Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In the embodiment of claim 1, the present invention is directed to a method for administering digital collectible trading cards in a cellular mobile communication network. The method includes identifying a user of a cellular mobile phone in the communication network from subscriber identity information of the user in the cellular mobile communication network as shown in Figure 5, step 503 and as described on page 13, line 17 through page 14, line 4.

The user enters the cellular mobile communication network using the cellular mobile phone and the subscriber identity information as shown in Figure 5, steps 500 and 503, and described on page 12, line 24 through page 13, line 6.

The method also includes associating a digital collectible trading card with the user based on the subscriber identity information of the user in the cellular mobile communication

network received from the cellular mobile phone as shown in Figure 5, steps 503 and 504 and described on page 13, lines 2-6 and lines 17-28.

In the embodiment of claim 21, a digital collectible trading card system in a cellular mobile communication network is shown in Figure 1 and described on page 7, line 25 through page 8, line 10. The system includes at least one cellular mobile phone for displaying and controlling of at least one digital collectible trading card associated with a user of the cellular mobile phone as shown in Figure 2 and described on page 8, line 25 through page 9, line 16.

The digital collectable trading card system also includes a server communicating with the cellular mobile phone via the cellular mobile communication network for storing the digital collectible trading card as shown in Figure 3 and described on page 9, lines 17-32. The server operates to associate the user with the digital collectible trading card, wherein the associating is based on subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone as shown in Figure 5, steps 503 and 504 and described on page 13, lines 2-6 and lines 17-28.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 5-7, 9-12, 14-21, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Filler et al.) WO00/11827, in view of Yu et al., 6,684,087.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Filler et al., WO00/11827, in view of Yu et al., 6,684,087,

as applied to claim 2 above, and further in view of Beuk et al., 5,774,673.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over (Filler et al.) WO00/11827, in view of Yu et al., 6,684,087, as applied to claim 11 above, and further in view of Peppel, 6,200,216.

Claims 8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Filler et al.) WO00/11827, in view of Yu et al., 6,684,087, as respectively applied to claim 1 and 21 above, and further in view of Treyz et al., 6,587,835.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over (Filler et al.) WO00/11827, in view of Yu et al., 6,684,087, as applied to claim 21 above, and further in view of Atsmon et al., 6,607,136.

VI. ARGUMENT

1. Applicants respectfully submit that claims 1-3, 5-7, 9-12, 14-21, 23, 25 and 26 are patentable over the combination of Filler et al. (WO 00/11827, "Filler") in view of Yu et al. (US 6,684,087, "Yu").

1.1. Claim 1

The combination of Filler and Yu fails to disclose or suggest the following features of claim 1:

identifying a user of a cellular mobile phone in the communication network from subscriber identity information of the user in the cellular mobile communication network;
and

associating a digital collectible trading card with the user based on the subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone.

1.1.1. Applicants find no disclosure in the combination of Filler and Yu related to identifying a user of a cellular mobile phone from subscriber identity information. Filler has no disclosure related to cellular mobile phones and no disclosure related to subscriber identity information. Yu has no disclosure related to identifying a user of a cellular mobile phone from subscriber identity information.

As stated in MPEP section 2143.03 and other authorities:

All Claim Limitations Must Be Taught or Suggested

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In the "Response to Arguments" section of the Final Office Action of 3 May 2005, while discussing "identifying a user of a cellular mobile phone from subscriber identity information," the Examiner states that "the clause is not directly found in each of the references individually, but in the combination of the references." This portion of the Office Action also states:

Therefore, in combining the references, a cellular network works similar to a wired network and also identifies a user in the cellular network. A user in

a cellular network is identified by subscription information stored in the cell phone's SIM card.

Applicants maintain that contrary to the Examiner's statements, "A user in a cellular network is identified by subscription information stored in the cell phone's SIM card" is not found in any of the cited references. There is nothing in Filler or Yu related to this requirement.

Filler requires the user to enter a user ID and a password every time the user wants to use his fixed computer workstation to connect to the system. In Yu, a user identifier is only used for finding a certain user account and for generating certain instructions, according to which an image will be pre-processed in a proxy server. Although Yu may include the words "subscriber ID," the subscriber ID of Yu is created and administered by a carrier administering link server 300 as part of the procedure for activating the account.

In contrast, the present invention of claim 1 utilizes the unique feature of cellular mobile phone networks that the subscription associated with a certain phone and SIM combination is unambiguously related to a corresponding subscriber. The identification of the user is made in the cellular mobile communication network based on subscriber identification information received from the cellular mobile phone.

Applicants submit that, because neither reference discloses or suggests identifying a user of a cellular mobile phone in the communication network from subscriber identity information of the user in the cellular mobile communication network, the combination of Filler and Yu fails to render this feature

obvious, and the requirements of an obviousness rejection have not been met.

1.1.2. Applicants further submit that the combination of Filler and Yu do not disclose or suggest associating a digital collectible trading card with the user based on the subscriber identity information of the user received from the cellular mobile phone.

Filler and Yu both fail to disclose or suggest subscriber identity information of the user received from the cellular mobile phone, and so their combination is incapable disclosing or suggesting association operations based on subscriber identity information received from a cellular mobile phone.

Filler states in the Abstract that "the digital trading cards (30) are uniquely associated with a user that has purchased (20) and downloaded the cards." On page 15, lines 22-25, Filler states "The purchase/payment database 20 then processes the transaction (see steps 445-505 and 510-545) and associates the next available serial number of the collectable card(s) with the user's account." Filler discloses no other details regarding associating a card with a user or a user's account. Applicants' process of associating is different because claim 1 recites "associating a digital collectible trading card with the user based on the subscriber identity information of the user received from the cellular mobile phone" which is not disclosed in Filler.

Turning to Yu, a user identifier is only used for finding a certain user account that already exists on the server. The user identifier is then used for generating certain

instructions, according to which an image, which could not be otherwise displayed, is pre-processed in a proxy server for display on a cellular phone incapable of displaying the original image. Associating an image with a user, which is the closest Yu ever gets to the present applicant's concept of associating a digital collectible trading card with the user, only takes place in Yu as a result of a very detailed and definite request explicitly made by the user. Thus, there is no associating a digital collectible trading card with a user based on the subscriber identity of the user in the cellular mobile communication network received from the cellular mobile phone. As mentioned above, Yu may include the words "subscriber ID," but the subscriber ID of Yu is created and administered by a carrier administering link server 300 as part of an account activation procedure. The advantageous way of utilizing the subscriber identity of the user in the cellular mobile communication network for associating the card is not disclosed or suggested.

1.1.3. Applicants submit that Yu is directed to non-analogous art.

A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's, or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant was concerned.

Yu is not in the same field as the Applicants' invention. Yu is directed to processing an image for display on a mobile device. When the image is requested by the mobile device, it is

transformed to a reduced version according to parameters related to the mobile device screen. The reduced version includes embedded links so that a user may view sub areas of the original image by recursively downloading reduced images of the sub areas. On the other hand, Applicants' invention is directed to a method for administering digital collectible trading cards in a cellular mobile communication network. The method includes identifying a user of a cellular mobile phone in the communication network from subscriber identity information of the user, and associating a digital collectible trading card with the user based on the subscriber identity information. Applicants submit that this is a remarkably different field of endeavor than processing images for recursive display on a cell phone.

Also, Yu is not reasonably pertinent to the particular problem with which the Applicants are concerned. Claim 1 of the present invention is concerned with administering and providing more advanced ways of collecting digital collectable trading cards. Yu is not reasonably pertinent to that problem. Yu is directed to pre-processing images that would otherwise be prohibitive to display on a mobile terminal and thus does not address administering and providing more advanced ways of collecting digital collectable trading cards.

Because Yu is not in the same field of endeavor as the Applicants' invention and is not reasonably pertinent to the particular problem with which the Applicants were concerned, Yu is not analogous art. Therefore, Yu may not properly be combined with Filler in an obviousness rejection of claim 1.

At least for these reasons, Applicants respectfully submit that claim 1 is patentable over the combination of Filler and Yu.

1.2. Claims 2, 3, 5-7, 9-12, and 14-20

Claims 2, 3, 5-7, 9-12, and 14-20 are patentable over the combination of Filler and Yu by way of their dependency from claim 1.

1.3. Claim 21

1.3.1. The combination of Filler and Yu fails to disclose or suggest the following features of claim 21:

a server communicating with a cellular mobile phone via the cellular mobile communication network for storing the digital collectible trading card and for associating the user with the digital collectible trading card, wherein the associating is based on subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone.

There is no disclosure in Filler or in Yu related to associating based on subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone.

As mentioned above, there is no disclosure in Filler related to an associating process other than the Abstract, "the digital trading cards (30) are uniquely associated with a user that has purchased (20) and downloaded the cards," and on page 15, lines 22-25, "The purchase/payment database 20 then processes the transaction (see steps 445-505 and 510-545) and associates the

next available serial number of the collectable card(s) with the user's account." There are no other details disclosed and no disclosure related to associating based on subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone, as recited by claim 21.

Yu utilizes a user identifier to find a pre-existing user account on the server, and then to generate instructions for pre-processing portions of an image at a proxy server for display on a cellular phone which would not otherwise be capable of displaying the image or the portions of the image.

There is no associating based on subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone. As mentioned above, Yu may include the words "subscriber ID," but the subscriber ID of Yu is created and administered by a carrier administering link server 300 as part of an account activation procedure. The advantageous way of utilizing the subscriber identity of the user in the cellular mobile communication network for associating the card is not disclosed or suggested.

1.3.2. Yu is directed art that is not analogous to that of claim 21.

Yu is not in the same field as Applicants' invention recited in claim 21. As mentioned above, Yu is directed to processing an image for display on a mobile device. When the image is requested by the mobile device, it is transformed to a reduced version according to parameters related to the mobile device screen. The reduced version includes embedded links so that a

user may view sub areas of the original image by recursively downloading reduced images of the sub areas. In contrast, claim 21 is directed to a digital collectible trading card system in a cellular mobile communication network. The system includes at least one cellular mobile phone for displaying and controlling of at least one digital collectible trading card associated with a user of the cellular mobile phone. The system also includes a server communicating with the cellular mobile phone via the cellular mobile communication network for storing the digital collectible trading card and for associating the user with the digital collectible trading card, wherein the associating is based on subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone. This is clearly not the same field of endeavor as processing images for recursive display on a cell phone.

Yu is not reasonably pertinent to the particular problem with which the Applicants' claim 21 is concerned. Claim 21 of the present invention is directed to a server that associates a digital collectable trading card with a user based on subscriber identity information received from a cellular phone. Yu on the other hand is directed to pre-processing images that would otherwise be prohibitive to display on a mobile terminal and thus does not address digital collectable trading cards at all.

Yu is not analogous art because it is not in the same field of endeavor as the Applicants' invention and is not reasonably pertinent to the particular problem with which the Applicants were concerned. Applicants submit that Yu is not a proper reference for an obviousness rejection of claim 21.

At least for these reasons, Applicants respectfully submit that the combination of Filler and Yu fails to render claim 21 obvious.

1.4. Claims 23, 25, and 26

Claims 23, 25, and 26 are patentable over the combination of Filler and Yu by way of their dependency from claim 21.

2. Applicants respectfully submit that claim 4 is patentable over the combination of Filler, Yu and Beuk et al. (US 5,774,673, "Beuk").

Claim 4 depends from claim 1. Beuk fails to provide the features of claim 1 missing from the combination of Filler and Yu and therefore fails to render claim 4 unpatentable.

3. Applicants respectfully submit that claim 13 is patentable over the combination of Filler, Yu, and Peppel (US 6,200,216).

Claim 13 depends from claim 1. Peppel fails to provide the features of claim 1 missing from the combination of Filler and Yu and therefore fails to render claim 13 unpatentable.

4. Applicants respectfully submit that claims 8 and 24 are patentable over the combination of Filler, Yu and Treyz et al. (US 6,587,835), "Treyz").

Claim 8 depends from claim 1 and claim 24 depends from claim 21. Treyz fails to provide the features of claims 1 and 21 missing from the combination of Filler and Yu and therefore fails to render claims 8 and 24 unpatentable.

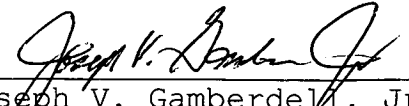
5. Applicants respectfully submit that claim 22 is patentable over the combination of Filler, Yu, and Atsmon et al. (US 6,607,136, ("Atsmon")).

Claim 22 depends from claim 21. Atsmon fails to provide the features of claim 1 missing from the combination of Filler and Yu and therefore fails to render claim 22 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance of the claims is respectfully requested.

A check in the amount of \$500 is enclosed herewith for the appeal brief fee. The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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20 October 2005
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Jessica Rae

VIII. CLAIM APPENDIX

1. A method for administering digital collectible trading cards in a cellular mobile communication network, comprising the steps of:

identifying a user of a cellular mobile phone in the communication network from subscriber identity information of the user in the cellular mobile communication network, the user entering the cellular mobile communication network using the cellular mobile phone and the subscriber identity information; and

associating a digital collectible trading card with the user based on the subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone.

2. The method of claim 1, further comprising the step of the user trading the digital collectible trading card with a second user, wherein the second user is associated with the digital collectible trading card after the trade.

3. The method of claim 2, wherein the step of trading the digital collectible trading card with the second user is performed under control of a server.

4. The method of claim 2, wherein the step of trading the digital collectible trading card with the second user includes storing the digital collectible trading card at a first cellular phone, and transferring the digital collectible trading card

from the first cellular phone to a second cellular phone via a wireless communication.

5. The method of claim 1, further comprising storing the digital collectible trading card on a server, and making the association of the digital collectible trading card with the user at the server.

6. The method of claim 1, wherein the association of the digital collectible trading card with the user indicates ownership of the digital collectible trading card by the user.

7. The method of claim 1, further comprising the step of notifying the user of a given digital collectible trading card associated with a second user wherein the given digital collectible trading card is available for purchase or trade.

8. The method of claim 1, comprising

keeping location information of cellular phones including the cellular phone of the user in the communication network, and

determining a vicinity of a second user based on the location information of the cellular phone of the user and of the cellular phone of the second user.

9. The method of claim 1, and comprising before the step of associating the user requesting to purchase the digital collectible trading card.

10. The method of claim 1, further comprising the step of entering an additional password at the cellular mobile phone as

part of associating the digital collectible trading card with the user.

11. The method of claim 5, further comprising

transmitting a request from the cellular phone to a server to send the digital collectible trading card to the cellular phone,

identifying the user sending the request,

comparing the identity of the user having send the request with the user identification information associated with the digital collectible trading card, and

providing the user with the digital collectible trading card in response to having determined a match of the identity and the user identification information in the comparison.

12. The method of claim 11, wherein the step of providing the user with the digital collectible trading card comprises the steps of:

transmitting the digital collectible trading card from the server to the cellular phone via the communication network; and

displaying the transferred digital collectible trading card on the cellular phone.

13. The method of claim 11, wherein the step of providing the user with the digital collectible trading card comprises

providing the digital collectible trading card for view on the cellular phone for a limited period of time only.

14. The method of claim 1, wherein the digital collectible trading card includes at least one of a streamed video, and advertisement, digital music, a video clip and an avatar feature.

15. The method of claim 1, wherein the digital collectible trading card includes at least one dynamic user-specific feature.

16. The method of claim 1, wherein the digital collectible trading card comprises data information and the method further comprises the step of updating data information of the digital collectible trading card in real time based on a real event corresponding to contents of the digital collectible trading card.

17. The method of claim 16, wherein the step of updating data information of the digital collectible trading card is done on request of the user.

18. The method of claim 1, further comprising the step of adding an indicator to the digital collectible trading card wherein the indicator includes a certain price for the digital collectible trading card.

19. The method of claim 1, wherein the communication network includes a cellular mobile communication network.

20. The method of claim 5, wherein the server storing a plurality of digital collectible trading cards and association

information identifying owners of the digital collectible trading cards.

21. A digital collectible trading card system in a cellular mobile communication network, comprising:

at lest one cellular mobile phone for displaying and controlling of at least one digital collectible trading card associated with a user of the cellular mobile phone; and

a server communicating with the cellular mobile phone via the cellular mobile communication network for storing the digital collectible trading card and for associating the user with the digital collectible trading card, wherein the associating is based on subscriber identity information of the user in the cellular mobile communication network received from the cellular mobile phone.

22. The digital collectible trading card system of claim 21, further comprising a digital physical card wirelessly communicating with the cellular phone for, independently of the cellular phone, presenting the digital collectible trading card transferred thereto.

23. The digital collectible trading card system of claim 21, wherein the communication network includes mobile network and Internet, and wherein the mobile network is selected from a group consisting of GSM, GPRS, and UMTS.

24. The digital collectible trading card system of claim 21, wherein the communication network includes a location register to locate the position of the cellular phone.

25. The digital collectible trading card system of claim 21, wherein the digital collectible trading card includes at least one of a streamed video, an advertisement, digital music, a video clip and an avatar feature.

26. The digital collectible trading card system of claim 21, wherein the digital collectible trading card includes at least one dynamic user-specific feature.

IX. EVIDENCE APPENDIX

N/A

X. RELATED PROCEEDINGS APPENDIX

N/A